UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Chambers of
Leda Dunn Wettre
United States Magistrate Judge

Martin Luther King Federal Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07101
(973) 645-3574

September 21, 2016

To: Nicholas E. Purpura, Pro Se Plaintiff
182 Rue De La Port
Wall, NJ 07719

Evan Maxwell Sampson
Counsel for Defendants
Buckley Madole, P.C.
99 Wood Avenue South, Suite 803
Iselin, NJ 08830

LETTER ORDER

RE: ***Purpura v. JP Morgan Chase et al.***
Civil Action No. 2:16-cv-03765 (MV) (LDW)

Dear Mr. Purpura and Mr. Sampson:

As you know, this is an action brought by *pro se* Plaintiff Nicholas Purpura, in which he asserts numerous causes of action based on a loan with Defendant JP Morgan Chase Bank, N.A. Defendants have moved to dismiss Plaintiff's complaint in its entirety pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) (ECF No. 23). That motion is presently pending before the Court.

Subsequent to the filing of Defendants' motion to dismiss, Plaintiff moved on or about September 13, 2016 for summary judgment in his favor on all counts, as a matter of law (ECF No. 31). Plaintiff's motion is premature: there is a pending motion to dismiss that must be adjudicated before any motion for summary judgment, and summary judgment is generally appropriate only after there has been adequate discovery. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986) (holding that summary judgment is appropriate "after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial"). Accordingly, in the exercise of its "inherent authority to manage [its] docket[]," *Dietz v. Bouldin*, 136 S. Ct. 1885, 1892 (2016), the Court is terminating the motion for summary judgment, without prejudice to the motion being refiled at the appropriate stage of this action, with Court leave, as required by the undersigned's Practices. The Clerk of Court is hereby directed to terminate ECF No. 31.

SO ORDERED this 21st day of September, 2016.

Leda Dunn Wettre
United States Magistrate Judge